

ENTERED

July 03, 2023

Nathan Ochsner, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISIONDIOGU KALU DIOGU II, L.L.M., *et al*

§

VS

§

CIVIL ACTION NO. H: 22-3299

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LAKELAND WEST CAPITAL 41, LLC, *et al*

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ORDER ADOPTING MEMORANDUM AND RECOMMENDATION

Pending before the Court in the above referenced proceeding are Defendants' Motions to Dismiss (Doc. Nos. 11, 15, 16, 17, 18, 19); Plaintiffs' Motion for an Extension of Time, Motion to Dismiss, Motion for Judgment on the Pleadings, Motion Requesting Oral Argument and Objecting to Motions 15-18 (Doc. Nos. 24, 28, 35, 36); Defendants' Motion for Referral to the Bankruptcy Court (Doc. No. 44); Plaintiffs' Emergency Motions for a Hearing (Doc. Nos. 47, 48, 54); Defendants' Motion to Stay Discovery (Doc. No. 60); and, Judge Sheldon's Memorandum and Recommendation (Doc. No. 61) that the Court grant Defendants' Motion for Referral to the Bankruptcy Court (Doc. No. 44) and all other pending motions be referred to the Bankruptcy Court. Plaintiffs filed objections (Doc. No. 62); Defendants filed a response to these objections (Doc. No. 63) and Plaintiffs filed a reply (Doc. No. 64) to Defendants' objections to the Memorandum and Recommendation.

The Court has carefully reviewed, *de novo*, the filings, the applicable law, the Magistrate Judge's Memorandum and Recommendation, and the objections thereto, and agrees with the Magistrate Judge's conclusion that as Judge David R. Jones already presides over the pending bankruptcy case and adversary proceeding in this matter, it would promote uniformity, curb forum shopping and confusion, preserve resources and expedite the bankruptcy case. Accordingly, it is hereby

ORDERED that Plaintiff Objections (Doc. No. 62) are **OVERRULED**; the Memorandum and Recommendation (Doc. No. 61) is **ADOPTED**; and the Motion for Referral to the Bankruptcy Court (Doc. No. 44) is **GRANTED**. All other pending motions are **REFERRED** to the Bankruptcy Court for consideration.

SIGNED at Houston, Texas, this 30th day of June 2023.



ANDREW S. HANEN
UNITED STATES DISTRICT JUDGE